

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

GEORGE VINAS,

Plaintiff,

-against-

PULLINI SUBSURFACE CONTRACTOR,
INC.,

Defendant.

x

BLOCK, Senior District Judge:

On October 5, 2012, Magistrate Judge Bloom issued a report and recommendation ("R&R") recommending that judgment be entered against Pullini Subsurface Contractor, Inc. ("Pullini"), in the amount of \$39,736.75. The R&R recited that "the parties shall have fourteen days from service of this Report to file written objections," and that "[f]ailure to file a timely objection to this Report generally waives any further judicial review." R&R at 10.

The R&R was served on Pullini at its last known address on October 5, 2012, making objections due on October 19th. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to

a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."'). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. The Clerk shall enter judgment accordingly.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

December 20, 2012
Brooklyn, New York